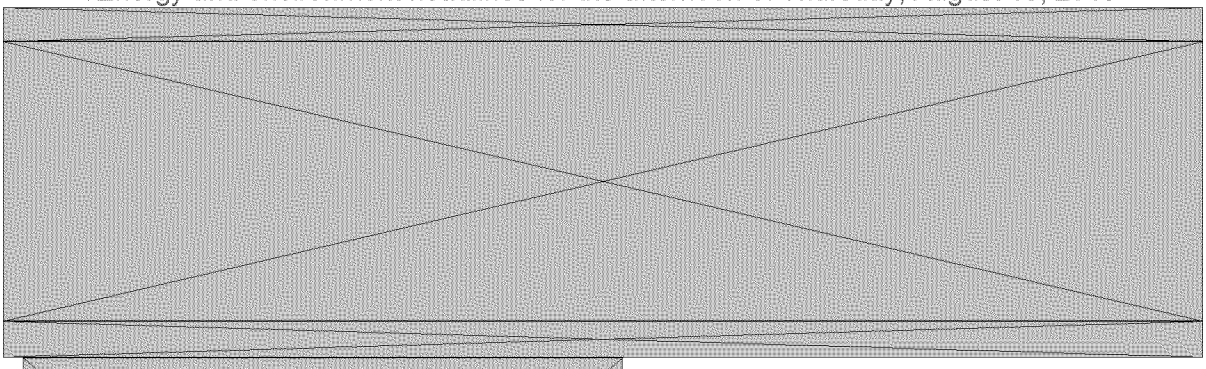
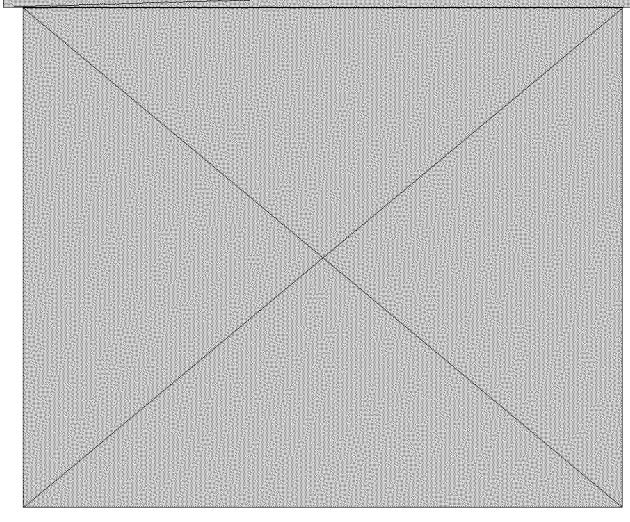
To: Blake, Wendy[Blake.Wendy@epa.gov]
From: EnergyGuardian
Sent: Thur 8/13/2015 9:38:34 PM
Subject: Fifteen states petition court to delay Clean Power Plant

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Energy and environment headlines for the afternoon of Thursday, August 13, 2015





Fifteen states petition court to delay Clean Power Plant

By Kevin Rogers

Fifteen states petitioned a federal court on Thursday to issue an emergency stay on the Environmental Protection Agency's newly finalized Clean Power Plan until the legality of the regulations is settled.

Led by West Virginia Attorney General Patrick Morrisey, the states filed a petition requesting that the U.S. Court of Appeals for the District of Columbia Circuit immediately

postpone implementation of the rule, which aims to cut power plant carbon emissions 32 percent from 2005 levels.

EPA pledged to "vigorously defend" the plan in court.

The states had sued to stop the rule before it was finalized, but the courts ruled that they had to wait. The final rule has been unveiled but not yet published in the Federal Register.

The petition argues that, since the rule for existing power plants -- which requires states to submit compliance plans to cut emissions -- has established deadlines, they don't have to wait for the rule to be published to request a stay. The final rule requires states to submit plans by September 2016, though states can seek extensions of as long as two years to finalize their plans.

"If we were to wait on the EPA to get this rule published, it could be well into 2016 before the States complete arguments and receive a ruling on a request to stay this rule," Morrisey said in a statement. "We want to ensure that no more taxpayer money or resources are wastefully spent in an attempt to comply with this unlawful rule that we believe will ultimately be thrown out in court."

EPA spokeswoman Liz Purchia issued a statement saying "The Clean Power Plan is based on a sound legal and technical foundation."

"To ensure that the Clean Power Plan's significant health benefits and progress against climate change are delivered to all Americans, EPA and the Department of Justice will vigorously defend it in court," she said.

The states believe the regulations are illegal, since they go beyond setting plant-specific emissions limits and set statewide carbon reduction goals.

"The Clean Power Plan provides national consistency, accountability and a level playing field while reflecting each state's energy mix," Purchia said.

The petition also argues that regulating power plants for carbon under Section 111(d) of the Clean Air Act constitutes an illegal double regulation, since plants are regulated for toxic emissions under Section 112. EPA says it has the authority under a Senate amendment to the Clean Air Act, though opponents say a contradictory House amendment renders the process illegal.

The states filed the petition a week after sending a letter to EPA Administrator Gina McCarthy, requesting that the agency postpone the rule until legal challenges to the rules are settled. EPA responded by saying the request was "under consideration."

The Sierra Club quickly denounced the states' petition as a "junk lawsuit."

"This frivolous lawsuit makes it clear just how desperate these polluter backed politicians are

to do the bidding of the fossil fuel industry rather than serve the families in their states," Chief Climate Counsel Joanne Spalding said in a statement. "Even if they had waited an appropriate amount of time, these attacks on clean air and healthy families are still likely to strike out in court."

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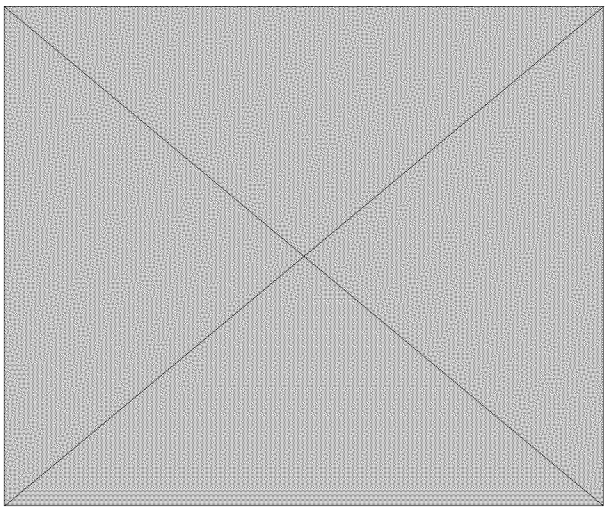
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Upcoming Events



Obama teases climate focus for Arctic visit

By Kevin Rogers

President Barack Obama will use a backdrop of melting Arctic ice to press his climate agenda when he visits Alaska later this month, warning that what's happening in the region is a "wake up call" for action.

Even as Obama unveiled his message, he was getting heat from both sides of the Alaska development issue. Environmental groups warned that his climate goals will be undermined if Royal Dutch Shell is allowed to continue drilling in the Arctic this summer, while one of Alaska's senators raised concern that the president plans to use the visit to spring a "surprise announcement to lock up more Alaska land."

In an online video released by the White House Thursday, Obama made the case that climate change is having an especially damaging effect on Alaskans, as warming oceans threaten traditional industries and more frequent storms pose direct threats to coastal villages.

“I'm going because Alaskans are on the front lines of one of the greatest challenges we face this century—climate change,” he said. “In Alaska, glaciers are melting. The hunting and fishing upon which generations have depended for their way of life and their jobs are being threatened.”

Obama plans to tour regions threatened by climate change and attend the State Department's Conference on Global Leadership in the Arctic, where he will speak with world leaders about efforts to combat climate change in the region. The U.S. took the chairmanship of the Arctic Council in April, and the administration has said that climate change is its top priority in the region.

“What's happening in Alaska isn't just a preview of what's going to happen to the rest of us if

we don't take action," Obama said in the video. "It's our wake-up call. The alarm bells are ringing, and as long as I'm president, America will lead the world to meet this threat before it's too late."

But Greenpeace and Oil Change International released a report Thursday saying that the administration needs to show it is serious by immediately blocking offshore drilling in Arctic waters. The Bureau of Safety and Environmental Enforcement is currently considering a modified permit that will allow Shell to drill wells down to 8,000 feet.

"Projects that expand or break open new reserves and generate more greenhouse gas emissions clearly fail a test of what is safe for the global climate," the report said. "As the world begins to grapple with how to divide up a limited carbon budget, there are some fossil fuels that will not make the cut no matter how the budget is split. U.S. Arctic offshore oil is one of these untouchable fossil fuel reserves."

The groups argue that to prevent a "climate disaster," 75 percent of proven fossil fuel reserves—and all unproven reserves—must remain in the ground. Since Arctic development has been sparse, the groups said Arctic reserves shouldn't be considered proven, and should therefore be left undeveloped.

They urged Obama to use the same litmus test for Arctic drilling that he's laid out for the Keystone XL pipeline: Don't approve the project if it would "significantly exacerbate the problem of carbon pollution." The groups say that, under that criterion, Arctic drilling would be blocked and offshore infrastructure investments halted.

"Infrastructure that is being built today locks in additional carbon, because once it is operational there are few if any financial incentives for companies to stop production," the report said. "Therefore this 'climate test' should be applied to all legislation, policy and permits related to infrastructure to extract, transport, or process fossil fuels."

Political leaders in Alaska have the opposite view, arguing that Obama should open more of the state's land and waters to development.

Sen. Dan Sullivan, R-Alaska, is concerned that Obama may use the trip to take federal land off the table for resource development, spokesman Mike Anderson said.

"It isn't surprising that the President's visit to Alaska will be focused on climate change," Anderson said. "During his visit, it's Senator Sullivan's hope that there is no surprise announcement to lock up more Alaska land—which has certainly been a legacy of this administration."

Anderson said that Sullivan has been pushing administration officials to address other issues during his trip, including the need for more icebreakers, expedited permitting for a liquefied natural gas project, and more resource development opportunities.

EPA test results show mine spill unleashed highly

toxic stew

By Michael Biesecker, Matthew Brown and P. Solomon Banda

SILVERTON, Colorado (AP) — The U.S. Environmental Protection Agency announced Thursday that surface-water testing revealed very high levels of lead, arsenic, cadmium and other heavy metals as a sickly-yellow plume of mine waste flowed through Colorado.

These metals far exceeded government exposure limits for aquatic life and humans in the hours after the August 5 spill, which sent 3 million gallons of wastewater through three Western states and the Navajo nation.

The EPA, which released the results after 2 a.m. Eastern time under increasing political pressure, said its analysis shows the heavy metals quickly returned to "pre-event levels" once the plume passed through the area it tested, on the Animas River between Silverton, Colorado, and the downstream municipal water intake for Durango.

The abandoned Gold King mine had been slowly leaking a toxic stew for decades before an EPA crew accidentally unleashed a torrent of waste during an Aug. 5 inspection. EPA Administrator Gina McCarthy has taken full responsibility and promised that the agency will pay for any damage.

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Exxon Mobil fined following probe into refinery explosion

By The Associated Press

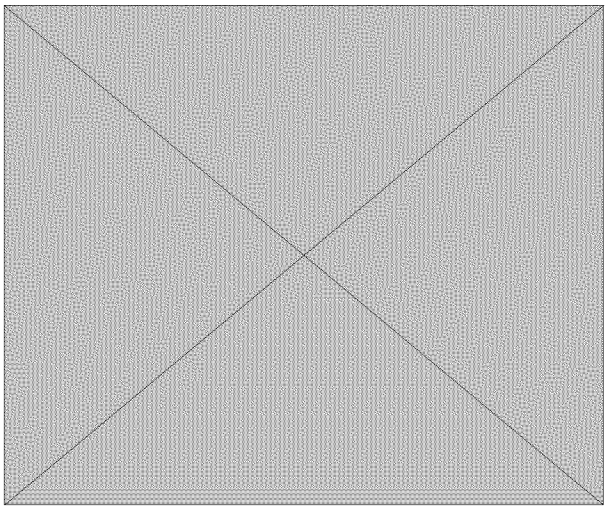
LOS ANGELES (AP) — The California agency that investigates workplace accidents has cited and fined ExxonMobil more than $560,000 for workplace safety and health violations following a probe into February's explosion at a Los Angeles-area refinery.

The California Division of Occupational Safety and Health said Thursday that 18 of the 19 citations are classified as serious because the violations could potentially cause serious injury or death. Six of those serious violations were also classified as willful because Cal-OSHA found that Exxon did not take action to eliminate known hazardous conditions at the refinery and intentionally failed to comply with state safety standards.

Exxon Mobil spokesman Todd Spitler said the company is reviewing the citations.

The Feb. 18 blast at the facility in Torrance slightly injured four contractors, heavily damaged equipment and rained a fine white ash on nearby homes and cars. State air-quality regulators confirmed that the ash was not toxic.

More



Death toll rises to 50 in massive blasts at Chinese port

By Christopher Bodeen

TIANJIN, China (AP) — The death toll from the fiery explosions at a warehouse of hazardous chemicals climbed Thursday to 50, and the Chinese government sent experts to the shattered and smoldering port to assess any environmental dangers from the spectacular blasts.

More than 700 people were injured and dozens were reported missing in the explosions shortly before midnight Wednesday that demolished a workers' dormitory, tossed shipping containers as if they were toy blocks and turned a fleet of 1,000 new cars into scorched metal husks. Windows were shattered for miles around by the shockwaves.

There was no indication of what caused the disaster in one of China's busiest ports, and authorities tried to keep a tight rein over information by keeping reporters well away from the site. Social media users complained their posts about it were deleted.

More than 1,000 firefighters were sent to the mostly industrial zone in Tianjin, a petrochemical processing hub about 120 kilometers (75 miles) east of Beijing.

More

Deadly China blast disrupts world's 10th largest port

By Erica Kinetz

SHANGHAI (AP) — Explosions that sent huge fireballs through China's Tianjin port have disrupted the flow of cars, oil, iron ore and other items through the world's 10th largest port.

The blast sent shipping containers tumbling into one another, leaving them in bent, charred piles. Rows of new cars, lined up on vast lots for distribution across China, were reduced to blackened carcasses.

Ships carrying oil and "hazardous products" were barred from the port Thursday, the Tianjin Maritime Safety Administration said on its official microblog. It also said vessels were not allowed to enter the central port zone, which is near the blast site.

Tianjin is the 10th largest port in the world by container volume and the seventh largest in China, according to the World Shipping Council, moving more containers than the ports of Rotterdam, Hamburg and Los Angeles. It handles vast quantities of metal ore, coal, steel, cars and crude oil.

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A message from the American Petroleum Institute

America is now the world's #1 natural gas producer and will soon be #1 in oil. Now more than ever, abundant energy means abundant prosperity, opportunity and security for all Americans.

Learn more at EnergyTomorrow.org

Federal experts: This El Nino may be historically strong

By Seth Borenstein

WASHINGTON (AP) — Federal meteorologists say the current El Nino is already the second strongest on record for this time of year and could be one of the most potent weather changers of the past 65 years.

The National Oceanic Atmospheric Administration recorded unusual warmth in the Pacific Ocean in the last three months. El Nino is a heating of the equatorial Pacific that changes weather worldwide, mostly affecting the United States in winter.

NOAA's Mike Halpert said Thursday the current El Nino likely will rival past super El Ninos in 1997-1998, 1982-83 and 1972-73.

El Nino usually brings heavy winter rain in California, and much of the southern and eastern U.S. Halpert said that's no guarantee and even past super El Ninos haven't delivered the rain that California now needs.

$140M in conservation work proposed for Gulf of Mexico

By Cain Burdeau

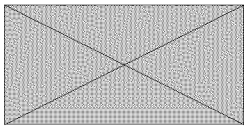
NEW ORLEANS (AP) - Ten watersheds around the rim of the Gulf of Mexico — from Florida to Texas — are being looked at as sites for $140 million in proposed conservation projects under a plan to restore the Gulf from BP's catastrophic 2010 oil spill.

This money comes from a settlement with Transocean Deepwater Inc., a drilling company BP hired for its ill-fated well off the coast of Louisiana that blew out, causing the nation's largest offshore spill.

The projects range from plugging oil and gas wells along the coast in Texas to planting sea grasses in Tampa Bay to planning for a Mississippi River diversion.

Before money can be spent, the Gulf Coast Restoration Council will gather the public's opinions on the projects at meetings between Aug. 20 and Sept. 16.

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Week in Review - Clean Power Plan rolls out amid charges of collusion

Meanwhile, power plant emissions hit 27-year low.

Click here to read the brief!

Trump, Rubio slam EPA over mine spill

The wastewater spill triggered by an Environmental Protection Agency team at an abandoned Colorado mine is “disgraceful” and "incredible," Republican presidential hopeful Donald Trump said in an interview, while fellow GOP candidate Sen. Marco Rubio spoke of EPA's “incompetence” and “arrogance,” National Journal reports.

More

Oil tumbles on rising stockpiles, strong dollar

A reported jump in crude stockpiles at the Cushing hub, added to a stronger dollar, sent oil prices sliding back down Thursday. U.S. benchmark crude lost $1.07 to settle at $42.23 a barrel, while in London, Brent fell 44 cents to $49.22, Reuters reports.

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Prepackaged bankruptcy filing for Hercules Offshore

With most senior bondholders backing a swap that offers equity to cover $1.2 billion in debt, Hercules Offshore Inc.—another victim of sliding oil prices—is hoping to emerge swiftly from the Chapter 11 bankruptcy protection it sought in Delaware court Thursday morning, The Wall Street Journal reports.

More

Natgas pipeline from Canada restarting, says Alliance

Alliance Pipeline LP said it is restarting a 2,300-mile natural gas pipeline that connects Canadian gas shippers to Midwestern markets in the U.S., days after it was shut down following a release of hydrogen sulfide gas, The Wall Street Journal reports.

More

McClendon, Marathon teaming up on gas pipelines in Utica Shale

A new gas pipeline feeder system that will cost nearly $1 billion is in the works in Ohio's Utica Shale, to be built by MarkWest Energy Partners—which is being purchased by Marathon's MPLX master limited partnership—with the help of Ascent Resources—which is owned by Aubrey McClendon and The Energy & Minerals Group, FuelFix reports.

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Moniz says U.S. will gain more policy freedom from Iran deal

The U.S. will have more freedom to challenge Iran on other issues once it's confident that the country doesn't pose a nuclear threat, Energy Secretary Ernest Moniz said in a webcast coordinated by Jewish Federations of America, The Hill reports.

More

Duke Energy in 'cozy relationship' with enviros?

Do Duke Energy and the Southern Environmental Law Center have a "cozy relationship" because they have filed motions to close North Carolina's coal ash lawsuits against the utility? That's what the state Department of Environment and Natural Resources said as it filed briefs asking the court not to shortchange the public and shortcut scientific analysis, The Charlotte Observer reports.

More

Koch brothers leading battle against rooftop solar, Reid charges

The Koch brothers are leading a nationwide campaign to limit rooftop solar because of their investments in carbon fuels, and they have a key Nevada ally in Berkshire Hathaway's NV Energy, Senate Minority Leader Harry Reid, D-Nev., told the Las Vegas Sun.

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Tesla sells shares to raise cash, Musk to spend $20 million

Elon Musk will buy $20 million worth of the $500 million in shares Tesla is putting up for grabs to help fund its battery gigafactory and its planned Model 3 electric car, Reuters reports.

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Upcoming Events

- Aug. 13, Washington: The National Oceanic and Atmospheric Administration to hold a teleconference to update its forecast on El Nino. Mike Halpert, deputy director of NOAA's Climate Prediction Center. Dial-in: 800-475-4971. Passcode: NOAA. 12:00 pm
- Aug. 13, Washington: The Heritage Foundation to hold a panel discussion on the Iran nuclear deal and its impact on international sanctions. 10:00 am , Heritage Foundation, Lehrman Auditorium, 214 Massachusetts Ave. NE.

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